



Entered on Docket
October 17, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Tenth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The HFAH Clear Lake, LLC Loan, Except
for Claims of Roy R. and Nancy Ventura;
and Notice of Status Conference re Roy R.
and Nancy Ventura Proofs of Claim**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.

Status Conference: November 15, 2011
Time: 9:30 a.m.

The Court having considered the "Tenth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment in The HFAH Clear Lake, LLC Loan." ("HFAH Clear Lake Loan") [DE 8900] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; Roy R. and Nancy Ventura having filed a response in opposition to the Objection [DE

8930]; no other responses to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from the collateral securing the HFAH Clear Lake Loan; and good cause appearing:

IT IS ORDERED that:

1. The Objection [DE 8900], except as it applies to Proof of Claim Nos. 10725-00638 and 10725-00639 filed by Roy R. and Nancy Ventura (the "Ventura Claims"), is sustained;

2. The remaining claims listed on **Exhibit A** attached are 80% disallowed and 20% allowed to the extent those claims are based upon an investment in the HFAH Clear Lake Loan;

3. A status conference regarding the Objection is set before this Court on **November 15, 2011 at 9:30 a.m.** at the U.S. Bankruptcy Court, 300 Las Vegas Boulevard South; Courtroom # 1, Las Vegas, NV 89101;

4. If the Venturas fail to appear at the status conference, the Court may deem their response to have been withdrawn and sustain the Objection without further proceedings, meaning that the Ventura claims would be disallowed;

5. The Venturas may appear telephonically at the status conference on November 15, 2011 by sending a written request to the Honorable Linda B. Riegle, U.S. Bankruptcy Court; 300 Las Vegas Boulevard South; Las Vegas, NV 89101. The Venturas can also send a facsimile request to 702-527-7015. The written request must be received by the Court on or before **November 8, 2011** or it will be denied without good cause shown for failing to timely request permission to appear telephonically; and

6. Once the Court grants permission to appear telephonically, the Venturas should contact CourtCall at least 48 hours prior to the hearing by telephone at 1-888-882-6878, or by facsimile at 888-883-2946, to make arrangements for the telephonic appearance. CourtCall will require the Court location, Judge's name, case name, case number, and date and time of the hearing. CourtCall charges are to be paid by claimant.

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3 PREPARED AND RESPECTFULLY SUBMITTED BY:

4 **LEWIS AND ROCA LLP**

5
6 By /s/ John Hinderaker (AZ #018024)

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8 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Roy R. and Nancy Ventura</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

S/- Roy R. Ventura, Jr., P.E.

Roy R. Ventura, Jr.,
Aceh Road Reconstruction Team Leader
USAID
Jakarta/ Aceh, Indonesia
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Nancy B. Ventura

Nancy Ventura
U.S. Embassy - Jakarta
Jakarta, Indonesia

Submitted by:
LEWIS AND ROCA LLP
By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

*It is intended that this
provides for representation
by an attorney
14 Oct. 2011*

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Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In the HFAH Clear Lake, LLC Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-01043	Ulm, Robert W IRA	Pensco Trust Co Inc Fbo 414 Morning Glory Rd St Marys, GA 31558	Unknown	60,000.00	48,000.00	12,000.00
10725-00639	Ventura, Roy	American Embassy Jakarta Unit 8135 USAID-FPO-AP-96520	155,828.26	30,000.00	24,000.00	6,000.00
10725-00638	Ventura, Roy R & Naney B	American Embassy Jakarta Unit 8135 USAID-FPO-AP-96520	155,828.26	30,000.00	24,000.00	6,000.00
10725-00093	Verusio Solutions LLC	208 Clarence Way Fremont, CA 94539	329,747.92	76,075.00	60,860.00	15,215.00
10725-01885	Violet, Melody J	Po Box 2201 Vista, CA 92085	Unknown	50,000.00	40,000.00	10,000.00
10725-01922	Westbrook, Connie	14320 Ghost Rider Dr Reno, NV 89511	296,907.84	50,000.00	40,000.00	10,000.00
10725-02040	Zappulla, Joseph G & Carol A	3128 E. Blue Sage Court Gilbert, AZ 85297	1,409,625.48	100,000.00	80,000.00	20,000.00
10725-01952	Zerbo, Anthony J	780 Saratoga Ave Apt S-107 San Jose, CA 95129	1,757,710.50	50,000.00	40,000.00	10,000.00

EXHIBIT A